

REMARKS

This Amendment is submitted in response to the final Office Action mailed on March 24, 2006. A Terminal Disclaimer is submitted herewith. The Director is authorized to charge \$130 for the Terminal Disclaimer and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 115808-320 on the account statement.

Claims 1-5, 7-11, 13-16 and 18-36 are pending in this application. Claims 6, 12 and 17 were previously canceled. In the Office Action, Claims 1-5, 7-11, 13-16 and 18-20 are rejected under 35 U.S.C. §112, second paragraph, Claims 1-5, 7-11, 13-16, 18-25 and 27-35 are rejected under 35 U.S.C. §103 and Claims 1-5, 7-11, 13-16 and 18-20 are provisionally rejected under obviousness-type double patenting. In response Claims 1, 7, 13, 18 and 20 have been amended, and Claims 26 and 36 have been canceled. This amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 1-5, 7-11, 13-16 and 18-20 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In response, Claims 1, 7, 13, 18 and 20 have been amended to address the informalities cited by the Patent Office. Based on at least these noted reasons, Applicants believe that Claims 1-5, 7-11, 13-16 and 18-20 fully comply with 35 U.S.C. §112, second paragraph.

Accordingly, Applicants respectfully request that the rejection of Claims 1-5, 7-11, 13-16 and 18-20 under 35 U.S.C. §112 be withdrawn.

In the Office Action, Claims 1-5, 7-11, 13-16, 18-20, 25, 28-29, 31-32 and 34-35 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 4,743,460 to Gellman et al. ("*Gellman*") in view of U.S. Patent No. 5,407,661 to Simone et al. ("*Simone*"). Claims 22-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Gellman* in view of *Simone* and further in view of U.S. Patent No. 5,887,749 to Schommer et al. ("*Schommer*"). Claims 21, 24, 27, 30 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Gellman* in view

Simone and further in view of U.S. Patent No. 6,455,083 to Wang et al. ("*Wang*"). Applicants respectfully disagree with and traverse these rejections for at least the reasons set forth below.

Applicants have amended independent Claims 1, 7, 13, 18 and 20 to recite, in part, the elements of Claim 26 directed to a dried pet food comprising a moisture content of not greater than 7% by weight. The Patent Office admits Claim 26 is free of the prior art of record. See, Office Action, page 7. As a result, independent Claims 1, 7, 13, 18 and 20 include elements that are also free of the prior art of record. For at least the reasons discussed above, Applicants respectfully submit that Claims 1, 7, 13, 18 and 20 and Claims 2-5, 8-11, 14-16, 19, 21-25 and 27-35 that depend from these claims are novel, nonobvious and distinguishable from the cited references.

Accordingly, Applicants respectfully request that the rejections of Claims 1-5, 7-11, 13-16, 18-25 and 27-35 under 35 U.S.C. §103(a) be withdrawn.

Claims 1-5, 7-11, 13-16 and 18-20 have also been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-9 of U.S. Patent No. 6,841,178 and over Claims 1-33 of co-pending U.S. Patent Application No. 10/037,941. Submitted with this response is a Terminal Disclaimer disclaiming the terminal part of any patent granted on the pending application extending beyond the expiration date of the following U.S. Patent No. 6,841,178 and U.S. Patent Application No. 10/037,941.

Accordingly, Applicants respectfully request that the rejections of Claims 1-5, 7-11, 13-16 and 18-20 under obviousness-type double patenting be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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